

SENATE BILL 195

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2003 Regular Session  
3r1119

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By: ~~Senator~~ **Senators Kelley and Forehand**  
Introduced and read first time: January 28, 2003  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 6, 2003

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CHAPTER\_\_\_\_\_

1 AN ACT concerning

2 **Family Law - Child Abuse and Neglect - Failure to Report - Penalty**

3 FOR the purpose of making it a misdemeanor, subject to a certain penalty, for certain  
4 health practitioners, police officers, educators, and human service workers to  
5 fail to provide certain notice or make a certain report of suspected child abuse or  
6 neglect under certain circumstances; altering certain time periods for making a  
7 report of suspected abuse or neglect; and generally relating to child abuse and  
8 neglect.

9 BY repealing and reenacting, with amendments,  
10 Article - Family Law  
11 Section 5-704  
12 Annotated Code of Maryland  
13 (1999 Replacement Volume and 2002 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Family Law**

17 5-704.

18 (a) Notwithstanding any other provision of law, including any law on  
19 privileged communications, each health practitioner, police officer, educator, or  
20 human service worker, acting in a professional capacity:

1 (1) (i) who has reason to believe that a child has been subjected to  
2 abuse, shall notify the local department or the appropriate law enforcement agency;  
3 or

4 (ii) who has reason to believe that a child has been subjected to  
5 neglect, shall notify the local department; and

6 (2) if acting as a staff member of a hospital, public health agency, child  
7 care institution, juvenile detention center, school, or similar institution, shall  
8 immediately notify and give all information required by this section to the head of the  
9 institution or the designee of the head.

10 (b) (1) An individual who notifies the appropriate authorities under  
11 subsection (a) of this section shall make:

12 (i) an oral report, by telephone or direct communication[, as soon  
13 as possible]:

14 1. to the local department or appropriate law enforcement  
15 agency if the person has reason to believe that the child has been subjected to abuse;  
16 or

17 2. to the local department if the person has reason to believe  
18 that the child has been subjected to neglect; and

19 (ii) a written report[:

20 1.] to the local department [not later than 48 hours after the  
21 contact, examination, attention, or treatment that caused the individual to believe  
22 that the child had been subjected to abuse or neglect; and

23 2.] with a copy to the local State's Attorney if the individual  
24 has reason to believe that the child has been subjected to abuse.

25 (2) (I) AN ORAL REPORT UNDER PARAGRAPH (1)(I) OF THIS  
26 SUBSECTION SHALL BE MADE AS SOON AS POSSIBLE, BUT NOT LATER THAN 24  
27 HOURS AFTER THE INDIVIDUAL, IN THE INDIVIDUAL'S PROFESSIONAL CAPACITY,  
28 FIRST HAS REASON TO BELIEVE THAT A CHILD HAS BEEN SUBJECTED TO ABUSE OR  
29 NEGLECT.

30 (II) A WRITTEN REPORT UNDER PARAGRAPH (1)(II) OF THIS  
31 SUBSECTION SHALL BE MADE NOT LATER THAN 48 HOURS AFTER THE INDIVIDUAL,  
32 IN THE INDIVIDUAL'S PROFESSIONAL CAPACITY, FIRST HAS REASON TO BELIEVE  
33 THAT A CHILD HAS BEEN SUBJECTED TO ABUSE OR NEGLECT.

34 [(2)] (3) (i) An agency to which an oral report of suspected abuse is  
35 made under paragraph (1) of this subsection shall immediately notify the other  
36 agency.

1 (ii) This paragraph does not prohibit a local department and an  
2 appropriate law enforcement agency from agreeing to cooperative arrangements.

3 (c) Insofar as is reasonably possible, an individual who makes a report under  
4 this section shall include in the report the following information:

5 (1) the name, age, and home address of the child;

6 (2) the name and home address of the child's parent or other person who  
7 is responsible for the child's care;

8 (3) the whereabouts of the child;

9 (4) the nature and extent of the abuse or neglect of the child, including  
10 any evidence or information available to the reporter concerning possible previous  
11 instances of abuse or neglect; and

12 (5) any other information that would help to determine:

13 (i) the cause of the suspected abuse or neglect; and

14 (ii) the identity of any individual responsible for the abuse or  
15 neglect.

16 (D) A PERSON WHO IS REQUIRED TO PROVIDE NOTICE UNDER SUBSECTION (A)  
17 OF THIS SECTION OR MAKE A REPORT UNDER SUBSECTION (B) OF THIS SECTION AND  
18 WHO WILLFULLY AND KNOWINGLY FAILS TO PROVIDE THE REQUIRED NOTICE OR  
19 MAKE THE REQUIRED REPORT IS GUILTY OF A MISDEMEANOR AND ON CONVICTION  
20 IS SUBJECT TO A FINE NOT EXCEEDING ~~\$2,000~~ \$1,000.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2003.